

THE UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICE OF PETITIONS

In re application of: Jeffry Jovan Philyaw

Serial No.: 09/491,142

Filed: January 26, 2000

Group: 2152

Examiner: William C. Vaughn Jr.

For: INPUT DEVICE FOR ALLOWING INPUT OF UNIQUE DIGITAL
CODE TO A USER'S COMPUTER TO CONTROL ACCESS
THEREOF TO A WEB SITEI hereby certify that this correspondence is being deposited with the
United States Postal Service as first class mail in an envelope addressed
to Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313, on7/14/03
(Date of Deposit)

Gregory M. Howison

(Name of Person Mailing Document)

(Signature)

7/14/03
(Date of Signature)Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

**RENEWED PETITION FOR REVIVAL OF AN APPLICATION
FOR PATENT UNAVOIDABLY ABANDONED PURSUANT TO C.F.R. 1.137(a)**

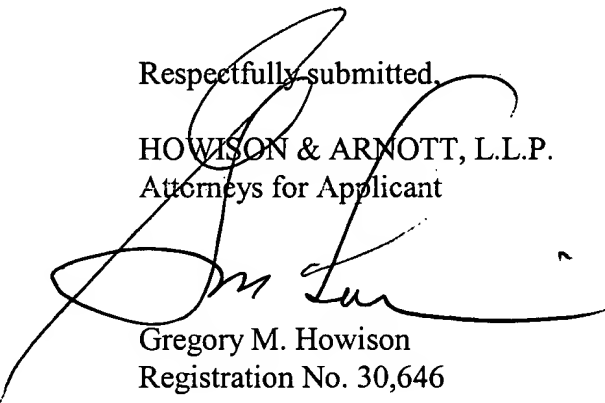
The above identified application became abandoned for failure to timely file a response to the Office Action dated 5/10/02, and a Petition for Revival of an Application for Patent Abandoned Unavoidably Under 37 CFR 1.137(a) was filed on 5/6/03. The instant petition was dismissed for failure to provide the necessary evidentiary support to the practitioner's statement regarding his non-receipt of the 5/10/02 Office Action; therefore, Applicant hereby renews his petition to the Commissioner for revival of the above-identified application for patent pursuant to 37 C.F.R. 1.137(a) and, in addition to the evidence contained in the instant petition, would respectfully show the following:

Applicant did not file a response to the 5/10/02 Office action within the statutory period because Applicant's attorneys of record did not receive said Office Action, which was likely lost in the mail or not received for some other reason unknown to Applicant or his attorneys of record. The details of the facts relating to this matter are included in the accompanying Declaration of Alice J. Goetsell in Support of Applicant's Renewed Petition to Revive.

Accordingly, the undersigned attorney respectfully requests that this petition be granted, and that the holding of abandonment be withdrawn or that the application be revived. It is not believed that any fee is required for this petition, however, if any fee is required, please charge such fee to Deposit Account No. 20-0780/PHLY-24,910 of Howison & Arnott, L.L.P.

Respectfully submitted,

HOWISON & ARNOTT, L.L.P.
Attorneys for Applicant



Gregory M. Howison
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July 14, 2003

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JUL 21 2003

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Gregory M. Howison

(Name of Person Mailing Document)

Alice Goetsell
(Signature)

7-14-03
(Date of Signature)

OFFICE OF PETITIONS

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

DECLARATION OF ALICE J. GOETSELL
IN SUPPORT OF APPLICANT'S RENEWED PETITION TO REVIVE

I, Alice J. Goetsell, declare as follows:

1. I am employed by the firm of Howison & Arnott, L.L.P., formerly known as Howison, Thoma & Arnott, L.L.P., the law firm whose attorneys are attorneys of record in the above-referenced application. I am the docket clerk for this law firm. I have personal knowledge of the facts stated herein and declare that each such fact is true and correct.

2. On January 21, 2003 we received a "Notice of Abandonment" from the PTO dated January 14, 2003. The Notice of Abandonment indicated that the application was abandoned in view of "Applicant's failure to timely file a proper reply to the Office letter mailed on May 10, 2002." The Notice of Abandonment also stated that "No reply has been received."

4. I checked the file jacket of the file that our law firm maintains for the above-referenced application and found no "Office Action" dated 5/10/02, nor any document to indicate that an Office Action dated 5/10/02 had been received by our law firm in connection with the above-referenced application. Also, I checked our docket records and likewise found no indication that this law firm had ever received the 5/10/02 "Office Action" supposedly mailed by the PTO in connection with this application.

5. Had an Office Action been received in connection with the above-referenced application, I would have made an entry in our docket system showing that it had been received and would have made an entry docketing the deadline for a timely response. Attached hereto as Exhibit A is a true copy of our docket record for the above-referenced application showing that no entry has been made indicating receipt of the 5/10/02 Office Action.

6. Specifically referring to Exhibit A, the line item on the attached Exhibit A, under "ACTION" shows that the docketed action for a "RESPONSE TO OA" to the Office Action mailed 7/3/01 was satisfied on 11/5/01. The next line entry shows that the post card that was mailed with Amendment/Response on 11/5/01 was received on 2/08/02. The next line item dated 1/23/03 is an entry showing the docketed action for filing a "PETITION TO REVIVE" in response to the Notice of Abandonment dated 1/23/03. Had we received the 5/10/02 Office Action, there would have been a corresponding line item entry for a response to same before the 1/23/03 line item entry for filing the Petition to Revive.

7. Our firm has a computer docket system using Pattsy software that accurately and reliably keeps track of all entries made for all papers received from the PTO and all dates for filing timely responses to items requiring a response to the PTO. I am confident that our system did not fail in connection with the above-referenced application, and that the only explanation for the failure to timely respond to the 5/10/02 Office Action issued in this case was the failure of our law firm to receive the Office Action from the PTO.

8. I hereby declare that all statements and factual allegations that I have made in this Declaration are of my own knowledge and are true and correct, and further that the statements were made by me with full knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

7-14-03
Date

Alice J. Goetsell
Alice J. Goetsell

OPER SYS ENTERED 1/11/00

MODIFIED 5/20/03

RECORD: 1 OF 1

YOUR#	24910	CNTRY	US	UNITED STATES	NEW/CON	CON	RELATED	n/a				
PATS#	00522	US	0	TYPE	UTL	SERIAL#	09/491,142	PATENT#		STAT	PENDING	
TITLE	INPUT DEVICE FOR ALLOWING INPUT OF UNIQUE DIGITAL CODE TO A USER'S COMPUTER										ART#	
CLIENT	PHLY	DIGITAL CONVERGENCE CORPORA				1	CREF		SE	Yes	CONF	
AGENT						AREF		CLAIMS		PBL#		
	8/19/ 99	MAIL	1/26/ 00	FILE	1/26/ 00	PUB		ISSUE		EXP	1ST	

ID	O	ACTION	20	BASE	DUE IN	DUE	EXTNS	FINAL	EXT	CALL	1	2	P
PC		POST CARD CHECK		1/26/ 00	1 M	2/26/00		2/26/00	0	2/ 7/ 00	0	Y	Y
FS		FILG RCPT STATUS CHK		1/26/ 00	3 M	4/26/00		4/26/00	0	4/13/ 00	0	Y	Y
PC		POST CARD CHECK		4/13/ 00	1 M	5/13/00		5/13/00	0	4/24/ 00	0	Y	Y
G2		MISSING PARTS (2 MO)		4/10/ 00	2 M	6/10/00	4 1	10/10/00	0	4/13/ 00	0	Y	Y
PC		POST CARD CHECK		5/19/ 00	1 M	6/19/00		6/19/00	0	6/ 2/ 00	0	Y	Y
NW		NEW CASE/ APPL DRAFT		1/11/ 00	6 M	7/11/00		7/11/00	0	1/26/ 00	0	Y	Y
DL		PRIORITY DEADLINE		8/19/ 99	12 M	8/19/00		8/19/00	0	1/26/ 00	1	Y	Y
SA		SUPPL AMENDMENT		10/12/ 00						10/12/ 00			
DS		INF DISCLOSURE STMT		1/26/ 00	9 M	10/26/00		10/26/00	0	10/12/ 00	0	Y	Y
D2		DRAWINGS ordered		1/ 9/ 01	1 M	2/9/01		2/9/01	0	1/11/ 01	0	Y	Y
PC		post card/dwgs		1/15/ 01	1 M	2/15/01		2/15/01	0	1/26/ 01	0	Y	Y
A3		pub ltr 2 clt 4 exec		2/25/ 01	1 M	3/25/01		3/25/01	0	3/15/ 01	0	Y	Y
FM		FORMAL DRAWINGS		1/15/ 01	3 M	4/15/01		4/15/01	0	1/15/ 01	2	Y	Y
SC		STATUS CHECK		1/26/ 00	18 M	7/26/01		7/26/01	0	7/ 6/ 01	0	Y	Y
RE		RESPONSE TO OA		7/ 3/ 01	3 M	10/3/01	3 1	1/3/02	3	11/ 5/ 01	2	Y	Y
PC		post card/amd		11/ 5/ 01	3 M	2/5/02		2/5/02	0	2/ 8/ 02	0	Y	Y
		PETITION TO REVIVE?		1/23/ 03	4 M	5/23/03		5/23/03	0	5/ 2/ 03	1	Y	Y
PC		post card/pet&amd		5/ 2/ 03	1 M	6/2/03		6/2/03	0	5/12/ 03	0	Y	Y
	n	RENEWED PETITION		5/14/ 03	2 M	7/14/03		7/14/03	0		1	Y	Y
SC		STATUS CHECK		5/ 3/ 03	4 M	9/3/03		9/3/03	0		0	Y	Y

INVENTORS	
PHILYAW J	

ASSIGNEES/OWNERS	
DIGITALCONVERGENCE.COM INC.	

GMH	2	JJA	P	GMH	LTR	H	NOTE	GEN	LIC	INV	IMG	FORM INFO	Pay	AutoDocket	Y
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EXHIBIT A

RECEIVED
JUL 21 2003
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